

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

JAYCEE WISE  
Plaintiff  
v.

U.S.A.  
Respondent

Docket NO. 1:03-CR-00429-002

Yvette Kaux Judge

BY 7022 3330 0001 9522 3253

Special Appearance

U.S. Court of Appeals for the Third Circuit

21402 U.S. courthouse

601 Market St.

Philadelphia, PA [19106 - 1700]

WRIT HABEAS CORPUS

Writ of Habeas Corpus is a writ of right, and cannot be refused. The Constitution of the United States, art. I § 9, declares, that it shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

By the 14th section of Judiciary act of 1789, vol. 1 p. 58, it is enacted, that all the before mentioned courts of the United States, (including the Supreme Court) shall have power to issue writ Habeas Corpus, and all other writs, and that either of the Justices of the Supreme Court, as well as Judges of the district Court, shall have power to grant

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writs of Habeas corpus, for purpose of an inquiry into the cause of commitment.

1. whether Jaycee wise, living human being, in propria persona, sui Jurist, point 4, 5, 6, of affidavit of Grantor Trustee attach to trust, give affiant standing under Art. III § 2 Diversity of Citizenship to challenge the United States District Court for the Middle District of Pennsylvania Jurisdiction.
2. whether Jaycee wise, in propria persona, sui Jurist is the surety pursuant to HJR June 5, 1933 Public Policy Pub. L. 73-10; on the Recognizance Bonds, and other securities the Attorney of record issued on affiant behalf in cases no 2:24 md 14; case no 1:05-cr-449-2
3. whether Jaycee wise, in propria persona, sui Jurist pursuant, the Judiciary act of 1789, Sec 35, 1 Stat. 73, 92 entitle to represent himself without no form of appointed counsel attorney by the court.

## STATEMENT OF THE CASE

July 7, 2023 affiant, was arrested by Const Hampton County Sheriffs at the Clerk's Office. Held in Hampton County Jail for about a month and a half, never appeared physically appeared in any Hampton County Court. All affiant appearances was by special appearance by telecommunication. Regarding Affiant illegally arrested for traveling on March 14, 2023. March 18, 2023 while under threat, duress, coercion accepted for Value Recognizance Bond with a restricted under protest when released the following day. April 12, 2023 a hearing was scheduled regarding the illegal arrest for Const. March 30, 2023 affiant submitted to Clerk of Court Affirmative Plea in Abatement as a appearance for the April 12, 2023 Court hearing. never received a response to the above recorded documents. On January 12, 2024 affiant and his daughter appear at the Clerk's Office to submit the following: Affidavit of Grantor/Trustee; Certificate of Foreign Grantor Trust; Certificate of Living Estate Trust; writ art 1.89 Habeas Corpus. The at first didn't file the documents at my request she told me to give it to the attorney on the 6th floor despite me telling her, "I was sui juris representing myself. When I and my daughter went to the 6th floor Courtroom a trial was going on and the marshal escorted me

my daughter to the clerk office who then by the marshal signal filed only the Affidavit of Grantor / Trustee and the Habeas corpus. At least these was the only documents stamped received. The clerk also gave me a document concerning proceeding for initial appearance for the following day which was January 25, 2024. January 24, 2024 I left the court house with my daughter to return the following day appearing by special appearance before magistrate / Trustee Bloom, who illegally detained me after I was not identified as the Defendant by the suppose patrol representative. February 29, 2024 by special appearance appeared before Judge Kane who overruled my objection to the courts jurisdiction.



Jaycee wise, living human being, in propria persona, sui Jurist, hereinafter "Affiant" contends, that the Judgment commitment order of November 20, 2006 is void from the beginning. Affiant was never made a party to the action. The Respondent used a Statutory Rule of Evidence attachment, without supporting it with a claim according to the Diversity Citizenship requirement of the Constitution as to Federal Jurisdiction.

### ISSUES

1. whether Jaycee wise, living human being, in propria persona, sui Jurist, point 4, 5, 6, of Affidavit of Grantor Trustee attach to trust, give Affiant standing under Art. III § 2 Diversity of Citizenship to challenge the United States District Court for the Middle District of Pennsylvania Jurisdiction.

#### a. Citizenship

Affiant use the remedy under Article IV of the Constitution to establish his state citizenship in the Union Republic State Virginia. See, instrument 230002909 Affidavit of Grantor/Trustee.

Point 4, 5, 6, of Declaration rebutt.

Presumption of affiant identifying or associating himself as property/defendant. See 14<sup>th</sup> amendment

Sec. 1; Art. 4 sec 2 entitle affiant to exercise those freedoms at his discretion. See Art 4. sec 3. cl. 2 leaving out of; *Pennoyet v. Neff*, 95 U.S. 714, at 722, 24 L.ED. 563 (1877).

As a consequence each state has the power to determine for itself the civil status and capacities of its inhabitants.

See Art 4 sec. 3 cl. 1 and entering into; *Pennoyet v. Neff* id at 722, The principle is that no state can exercise direct Jurisdiction and authority over persons or property without its territory.

The purpose of affiant doing the above process is to show a distinction between himself and the fiction citizen created by naturalization. See *Paul v. Virginia*, 75 U.S. 168 at 180, 19 L.ED 357 1868 U.S. LEXIS 1092, 8 wall 168.

The only rights it can claim are the rights which are given to it in that character, and not the rights which belong to its member as citizens of a state.

All that is required is that affiant claim his citizenship under provisions of the constitution and the principles on which it was founded. See *Dred Scott v. John F. Sanford*, 60 U.S. 393 at 406, 151 L.ED 699, 1856 U.S. LEXIS 472, 19 How 393.



indicating to the court Affiant in propria persona had the right to appear by special appearance to be heard on his Diversity of Citizenship challenge to the Courts Jurisdiction. See Southern Pacific Co v. Denton, 146 U.S. 202 at 206, 13 S.Ct 44, 36 L.Ed 942, 1892 U.S. LEXIS 2189.

The Court failed to honor Affiant right to be heard on the recorded writ quo warranto Jurisdiction questions, why the Court administrative Preliminary hearing in rem proceeding was not against Affiant. The magistrate evaded answering Affiant question, "was (the magistrate) he a trustee, instead continued on proceeding insisted on compelling Affiant to accept Court appointed attorney, and if not he would recommend Affiant for mental capacity evaluation. against his continued contestation. It at 206

Affiant objection to the magistrate violations of affording (Affiant) him, due process was not waived because magistrate ignored the objections

on account of Affiant not allowing the Court identify him as the presumed Defendant it was proceeding against, the Courts Jurisdiction was not establish. In addition to the prosecutor using a statutory remedy attachment, without supporting it with a claim according to the diversity requirement

of the constitution as to federal jurisdiction. See *National Mut Ins Co of District of Columbia v. Tidewater Transit Co. Inc.*, 337 U.S. 582 at 588, 69 S.Ct 1173, 93 L.Ed 1356 we therefore decline to overrule the opinion of Chief Justice Marshall and we hold that the District of Columbia is not a State within Article III of the Constitution.

Affiant contends the judgment commitment order of November 20, 2006 is void from the beginning, because he was never made a party to the action. See *Pennoyer v. Neff*, 95 U.S. 714 at 723, 24 L.Ed 545, 1877 U.S. LEXIS 227, 5 O&O 719.

The prosecutor attachment only bound the U.S. corporate citizen identified by District courts as Defendant/property that the District courts placed against though the proceeding in color is against the natural living man.

The courts jurisdiction was only establish because affiant consented and ceded to its in rem jurisdiction by accepting appointed counsel. See *Capon v. Van Noorden*, 6 U.S. 126 at 127, Here it was the duty of the court to see that they had jurisdiction, for the consent of parties cannot give it.

Both the court and the Prosecutor are in error for not answering the Affiant writ of quod warrant, Art. 1 § 9 writ Habeas Corpus Jurisdiction questions.

2. Whether Jaycee Wise, living human being, in propria persona, sui Jurist is the surety pursuant to HJR June 5, 1933 Public Policy Pub. L. 73-10; on Recognizance Bonds, and other securities the attorney of record issued on behalf of affiant in case no 2:24 MJ14; case no 1:05-CR-449-2

### B. Surety

See, 28 U.S.C. § 2041, 2042, 2044; Supp Admt Rule E (4) a mortgage, hypothecation, or similar charge that is established as a security on a foreign vessel. The full faith clause Art. 4 Sec. 1 of the constitution; Fed Rule Civ P 8(c) give affiant authority according to the above mentioned rules to pay the debt of whatever amount on the case. See, 28 U.S.C. § 2044; Supp Admt Rule E (2) (b)

Absent a complaint by a Pennsylvania state citizen the court proceeded under statutes to collect a debt on an account. The statutory proceeding has nothing to do with a actual crime against a state citizen, therefore, the court don't

don't have jurisdiction over Affiant. See 28 U.S.C. § 1962 Every Judgment rendered by a District Court within a State shall be a lien on the property located in such state.

The U.S. Person/fiction citizen is classified as property assumed to be the state citizen.

Affiant claim his citizenship by declaration on record before appearing by Special appearance in the middle District of Pennsylvania. See Died Scott v. John F. Sanford, 60 U.S. 393, at 406, 151 L. Ed 691, 1856 U.S. LEd 472

If the defendant objects to it he must plead it specially, and unless the fact on which he relies is found to be true by a jury, or admitted to be true by the Plaintiff, the Jurisdiction cannot be disputed in appellate court. See Fed R. Civ P 12 (b) (3)

whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter the court shall dismiss the action.

The Prosecutor can't refute the fact he did not rebut Affiant's declaration of citizenship or have a complaint by a state citizen in their proper person to bring a claim against Affiant to meet the subject matter or a diversity citizenship requirement,

therefore he suppose to dismiss the action.

3. whether Jaycee wise, in propria persona, sui Jurist pursuant to the Judiciary act of 1789, sec 35, 1 stat. 73, 92 entitle to represent himself without no form of appointed counsell attorney by the court.

### C. Self Representation

See art. I sec. 9 cl 7 cont.  
no title of nobility shall be granted by the united states.

A statutory judicial have no authority to force a state citizen to accept a court appointed agent.

A criminal defendant may proceed pro se if he knowingly, voluntarily, and unequivocally "waives his right to appointed see Faretta v. California 422 U.S. 806 at 807, 45 L. Ed 2d 562, 95 S. Ct 2523 (1975).

affiant clearly on the record he was aware of the consequences of not being represented by appointed counsel. It was not required to address the jurisdiction questions he attempted to ask the court and respondent. and the justification the magistrate / justice used to appoint stand by counsel is not required by Faretta and imposes



no such qualification on the right to act

Sui Jurist. See *Johnstone v. Kelly*, 808 F.2d 214, at 216, 1986 U.S. App. LEXIS 36419. (1986)

Further more accepting appointed attorney by court give it power to exercise in personam remedies against natural person as if he/she is the fiction/defendant

See 28 U.S.C. 1915,

Affiant would be subject to identifying himself as the U.S. person/citizen in subtle form of also allowing his rights, defenses, property to be subrogated.

Affiant is the third party surety in this case NO 1:95-CR-00449-YK-2 therefore it wouldn't make sense to claim being indigent. See 28 U.S.C. § 2044

The court along with respondent manipulated proceedings to get jurisdiction it still don't have over affiant in his proper person recently establish under provision of the constitution the court is deliberately ignoring.



## QUESTION PRESENTED FOR REVIEW

1. whether affiant, living human being, in propria persona, sui Jurist, point 4, 5, 6, of affidavit of Grantor Trustee attach to trust, give affiant standing under art. III § 2 Diversity of Citizenship to challenge the United States District Court for the Middle District of Pennsylvania Jurisdiction.

### A. Citizenship

Declaration - In point 4 affiant gave notice of exercising right to claim citizenship. See Pennoyer v. Neff, 95 U.S. 717, at 762, 24 L. Ed 565 (1877). The court ruled in Neff favor on account he was a non-resident, never appeared in court and was not served notice personally.

In the case at Bar affiant was not personally served with notice, appeared by special appearance in court at revocation and Preliminary hearing. To point out he don't identify himself as U.S. citizen / resident. Notice was served on U.S. citizen via administrative process by clerk of court / magistrate / trustee.

See Paul v. Virginia, 75 U.S. 168 at 180, 19 L. Ed 357, 1868 U.S. LEd 1092, 8 Wall 168,

In Paul v. Virginia, insurance agent did not comply with law to operate business; nevertheless

operated under the company issuing policies without obtaining the required credentials to do business in the character of a foreign insurance company. Acting as New York agent issued insurance policy to Virginia citizen without license to do business in Virginia, in the case of Bat the Administrative Court only had jurisdiction over the U.S. person citizen of the District of Columbia assuming Affiant living human being, in *pluria persona* identified and associated himself as the Defendant/District citizen the Court have authority to proceed against.

see, *Dred Scott v. John F. Sanford*, 60 U.S. 393 at 406, 151 L. Ed 699, 1856 U.S. LEXIS 4721

Dred Scott identified himself as a slave and associated himself being connected to a people labeled as African Black Slaves from Africa. In the present case Affiant use the same process the European Founder's use under the provision of Article 1 of the Constitution to establish themselves on the land as natural state/private citizens. The total opposit of how Dred Scott himself within a territory a Government subdivision by traveling to its geographic area. nevertheless, the

Circuit Court recognize Dred Scott Declaration and made John Sanford rebut it by rules of pleading of abatement. In the case at bar for almost eight months affiant filed a writ quo warrant to Eastern District of Virginia Probation and the Middle District Court of Pennsylvania and neither the Court or the Prosecutor answered it. Despite affiant claim his citizenship that the clerk of the middle district court suppose to had recorded.

See Southern Pacific Co v. Denton, 146 U.S. 202 at 206, 13 S.Ct 44, 36 L.Ed 942, 1892 U.S. LEXIS 2189. A corporation was not compelled to answer to a complaint in a circuit court at law proceeding in a united state, outside of its district and the Plaintiffs. Defendant as corporation appeared by special appearance before circuit court challenging its jurisdiction which the court overruled its objection. The corporation was not a citizen or resident or incorporated in the district of the court. Objected on these grounds despite court insisting on proceeding as if the right was waived. Afterwards answered to the merits did upon first attempting to be heard on jurisdiction issue waive defendant-objection.

In the case now before the court affiant

appealed specially for the single purpose of challenging the court's jurisdiction over him as third party surety on the case. The court clearly on record violated due process of affording affiant right to appeal and heard. The, consistently ignored affiant attempts to address jurisdiction among other violation's before affiant answered to merits of the case, which means his objections is not waived.

See National Mutual Ins Co of District of Columbia v. Tidewater Transfer Co. Inc, 337 U.S. 582 at 588, 69 S.Ct 1173, 93

in the above case the controversy was whether District Columbia citizens had the same standing as a state citizen, which the answer is NO. one operate under Art III Judicial constitutional statute 1789 act and other under Art I congressional act of 1946 Jurisdiction. In the case at bar the middle District court at the time it issued its judgment commitment order was functioning under Art I congressional Jurisdiction that only applied to the U.S. corporate citizen that is assumed Affiant is identifying and associating himself as the Defendant. It never had judicial power under Art III Judicial clause to have establish subject matter Jurisdiction over Affiant the living human being. The Jurisdiction requirement of the act

Congress do not comply with the Diversity of Citizenship Requirement. It establish Jurisdiction administratively on the corporate sole that's a citizen of the District of Columbia. The District of Columbia is constitutional distinct from the Union Republic State Virginia where Affiant establish his citizenship as a natural/Private State citizen.

The court establish administratively on the domicile of the corporate sole in District of Columbia where the citizen is created.

See *Caplan v. Van Noorden*, 6 U.S. 126, 1804 U.S. LEXIS 253, 2 L.Ed. 229, 2 Cranch 126

In the case above the court didn't have Jurisdiction to have rendered a judgment in plaintiff favor and against Defendant. and neither was the plaintiff or Defendant citizens of the state where the suit was brought therefore the court didn't have Jurisdiction period. In the case at Bar the court didn't and still don't have Jurisdiction over Affiant aside from him identifying and associating himself as the U.S. citizenship or by accepting court appointed counsel agent of the court who can only represent the corporate fiction U.S. citizen.



## RELIEF

The Circuit Judge recognize the lower court and prosecutor evaded answering writs they're required to answer and be held accountable to answer all questions and points of the affidavits to clarify the Jurisdiction issue. Immediate Release Affiant because the District Court sentence was under statutory proceedings as oppose to having Judicial not 101 Constitutional statutory subject matter authority to have made Affiant a party to the case. No. 1:05-CR-00449-002.

## CONCLUSION

For all the foregoing reasons, especially the factor of the court forcing appointed attorney to be accepted for the main purpose for the court to obtain Jurisdiction, because originally it's how the District Court acquired Jurisdiction over Affiant in color by attachment as it Affiant was being proceeded against. Affiant respectfully request that the court consider the factors and according to law grant the Habeas corpus.

Respectfully submitted  
By: Jayce Wier, Sr. Jurist  
c/o 067010

Dauphin county prison  
Harrisburg, Pennsylvania  
c/o 501 Mall Road

Asia Pennsylvania State Republic ZIP EXEMPT U.S.A [17111-1299]



Certificate of Service

I hereby certify that I am this March 20, 2024 day serving copies of the foregoing Habeas Corpus, supporting Affidavit by first class mail certified on the following:

Office of the Clerk  
United State Court of Appeals for the Third Circuit  
21900 U.S. Courthouse  
601 Market St.  
Philadelphia, PA U.S.A [19106-1790]

Jaycee Wise Bey, Executive  
Natural Person, in propria persona sui Jurist  
EX Relatione: JAYCEE WISE  
c/o # 067070  
Dauphin County Prison  
c/o 501 Mall Road  
Harrisburg Territory  
via Pennsylvania State Republic  
Zip Exempt U.S.A [17111-1299]  
via United States Republic, North America  
NON-Domestic, Non Resident  
via United States mail

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

JAYCEE WISE  
Plaintiff  
v.

U.S.A.  
Respondent

- . Docket No. 1:05-CR-00449-002
- . Justice Kane Judge
- . BY
- . Special Appearance
- . U.S. Court of Appeals for the Third Circuit
- . 21400 U.S. Courthouse
- . 601 Market St.
- . Philadelphia PA 19106-1790

AFFIDAVIT

State Pennsylvania)

Dauphin County ) ss ACKNOWLEDGEMENT  
)

NOTICE TO AGENT IS NOTICE TO PRINCIPAL  
NOTICE TO PRINCIPAL IS NOTICE TO AGENT

"Indeed, no more than (affidavits) is necessary  
to make the prima facie case" in the nature  
of United States vs. Powell, 379 U.S. 48

That whereas Affidavit supporting writ Habeas Corpus under "Full Faith and Credit" The United States of America, the State Pennsylvania, the County Dauphin, Joyce Wise, in propria persona, herein after "Affiant," duly affirm, says, and declare that the following facts are true and correct to the best of my knowledge and belief:

1. That all statement made within the writ Habeas Corpus are true and correct, admissible as evidence and if called upon as a witness, Affiant will testify to their veracity.
2. That, Affiant is the surety on all securities issued in case no. 2:24 MJ 14, case no. 1:05-CR-00449-002
3. That Affiant was never made a party to case no 1: 05 CR-00449-002
4. That Affiant never appeared generally in the District Court for the Eastern District of Virginia
5. That Affiant under duress signed Personal Recognizance with the intent as surety to settle and close the ledger for case no. 2:24 MJ 14, case no. 1:05-CR-449-002

That Affiant did not receive from the Clerk of Court of the U.S. Middle District Court cost for Transcripts copies supposedly sent 03/08/2024.

That Affiant on March 14, 2024 letter to contact Court Reporter Wendy Yinger, Court Reporter Amy Fritz for the actual cost per page, and both reporters told Affiant to contact them a later date.

That Affiant contact Amy Fritz by phone. March 14, 2024 Amy Fritz said, the following day a Friday she would send the actual cost of Transcripts to Affiant family member phone who had contact Amy Fritz for Affiant.

That Affiant family member said, Amy Fritz did not send the information of the actual cost of Transcripts yet of March 20, 2024

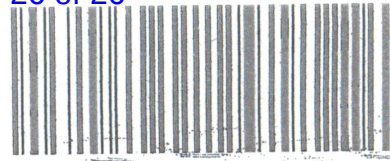
That Affiant contact Wendy Yinger March 14, 2024 via family member phone. Wendy Yinger communicated to contact her again March 22, 2024 Friday to get the actual cost for Transcripts.

That Affiant March 3, 2024 request for orders of Courts for both hearings was not sent.

Affiant communicated this issue to James C. Duff, Director the Administrative Office of the United State Courts.

I, Jayce Wise Declare, at State under penalty  
of perjury that the foregoing is true and correct.  
Executed on  
March 20, 2024  
Jayce Wise

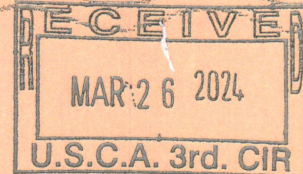




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HARRISBURG PADC 1

THU 21 MAR 2024 PM



Joyce Wise  
Natural Person, IN Propria Persona sui Jurist  
Ex Relatione: JOYCE WISE  
C/O # 007070  
Dauphin County Prison  
C/O 501 Mall Road  
Harrisburg Territory  
via Pennsylvania State Republic  
Zip Exempt U.S.A. 17111-1299  
via United States Republic, North America  
Non-Domestic, Non-Resident  
via United States Mail

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